

U.S. Patent Application Serial No. 09/926,260
Amendment filed July 19, 2005
Reply to OA dated April 19, 2005

REMARKS

Claims 8 and 10-21 are pending in this application.

No claim amendments are made at this time.

Previous Response (Office Action p.2)

At the top of p.2 of the Office Action, the Examiner comments on the claim amendments in the response dated March 7, 2005:

Applicants limitation of the rate of addition incorporated in claim 1 is viewed as new matter, since the *examiner was not able to find support* for it in the specification. *Page 8 of the specification* referred to by the applicants representative refers to the condition of shear rate per second and not an addition rate per minute. (Emphasis added)

It is surmised that an error was made in reading p.8 of the Response dated March 7, 2005, where it was stated that the support for claim 8 is found on p.35, lines 6-11, not p.8, lines 6-11, as the Office Action stated.

The support on p.35, lines 6-11 of the specification reads:

However, the dispersion of layered phyllosilicate and water is added continuously or successively *at a rate of 0.01 to 10.0 parts by weight per minute*, preferably 0.03 to 8.0 parts by weight per minute, and more preferably 0.05 to 6.0 parts by weight per minute *based on 100 parts by weight of the polymerizable pre-polymer of the thermoplastic polyester resin*. (Emphasis added)

In light of this support, the limitation in the March 7, 2005 response is not new matter.

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Claims 8, 10-21 are rejected under 35 USC 102(b) as being anticipated by Matabayas (WO 98/29499). (Office Action p.2)

The Office Action states on p.3, text lines 1-2:

Applicants arguments submitted in the response are based on the limitation that is currently rejected as being new matter. Therefore applicants arguments will be considered moot.

As explained above, the previously submitted arguments are based on a limitation that has support in the specification at p.35, lines 6-11.

It is believed that by pointing out the proper support, the rejection is now overcome.

In view of the aforementioned remarks, the claims are believed to be in condition for allowance, which action, at an early date, is requested.

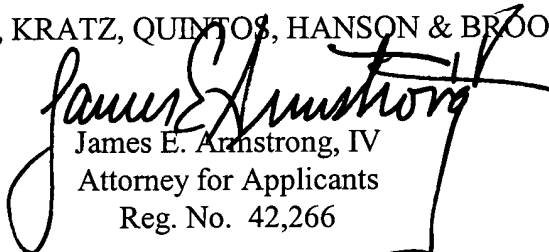
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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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